

### REMARKS

The Specification has been amended to correct typographic errors.

Examiner has rejected claims 1 through 3, 5, 7 through 15, 17 and 22 under 35 U.S.C. § 103(a), as being anticipated by USPN 5,739,409 (Ishikawa) in view of US ,360,268 B1 (Silva). Examiner has rejected claims 4, 18, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa in view of USPN 5,930,501 (Neil). Examiner has rejected claims 6, 16 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa in view of USPN 6,094,720 (Cromer).

### Criteria for a Rejection under 35 U.S.C. § 103(a)

The U.S. Patent and Trademark Office has set forth a methodology for establishing a *prima facie* case of obviousness. Specifically three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

See MPEP 706.02 (j).

Applicants believes the Examiner has failed to establish a *prima facie* case of obviousness for the claims extant in the present case because there are claim limitations that are not taught or suggested by any of the cited references.

Below, Applicants clearly and unambiguously points out subject matter within each independent claim that is not disclosed or suggested by any of the

cited references. At least on the basis of this, Applicants believes all the claims are patentable over the cited references.

### **Independent claim 1**

Independent claim 1 sets out a system for providing remote testing of a product under test. The system comprises a network accessible site, a processing system and a test controller. The test controller introduces to the product under test hardware commands that are not covered in software control. The test controller is separate from the processing system. This is not disclosed by the cited references.

Examiner has cited Ishikawa as disclosing pertinent features of claim 1. Particularly, Examiner has suggested that the processing system to receive the input for the product under test from the network accessible site and to present the input to the product under test as if the input came from an input device directly connected to the product under test is disclosed by Figure 1, remote reproduction unit 5.

Likewise Examiner has suggested that the test controller to introduce to the product under test hardware commands that are not covered in software control is disclosed by Ishikawa at column 3, lines 66+ and column 8, lines 21 through 30. However, at column 3, lines 66+ and in column 8, lines 21 through 30, Ishikawa is also referring to remote reproduction unit 5.

Remote reproduction unit 5 provides a keyboard operation signal and a mouse operation signal to a remote system computer 4. See Figure 1. However,

Ishikawa does not disclose or suggest that remote reproduction unit 5 introduces to the remote computer hardware commands that are not covered in software control. In fact Ishikawa makes very clear this is not the case.

For example, at column 6, lines 63 through 68, Ishikawa indicates that in preparation on the remote side, the keyboard 41, the mouse 42, and the monitor 43 connected to the computer 4 are disconnected, the remote reproduction unit 5 and the remote transmission unit 6 are connected to the computer 4 instead, and their power switches are turned on. It is very clear that Ishikawa assumes that an operator is available to turn on the power for computer 4. Ishikawa does not disclose or suggest a test controller that introduces to the product under test hardware commands that are not covered in software control.

The ability to introduce during remote test of a product, hardware commands that are not covered in software control is a significant improvement not disclosed or suggested by prior art systems such as Ishikawa. These hardware commands, such as power-on and reset, are referred to as hardware commands because they have to do with supplying power to hardware, and/or performing a hardware reset. See Applicants' Specification at page 4 line 35 through page 5, line 2. This functionality is not performed by remote reproduction unit 5 of Ishikawa or the other cited references.

### **Independent claim 13**

Independent claim 13 sets out a system for providing remote testing of a plurality of products under test. The system includes a processing system for

receiving first input for any one of the plurality of products under test from the network accessible site and presenting the first input to the one of the products under test as if the first input came from an input device directly connected to the one of the products under test. The processing system is configured to present to the one of the plurality of products under test a hardware command. This is not disclosed or suggested by the combination of Ishikawa and Silva.

As discussed above, Examiner has suggested that the test controller to introduce to the product under test hardware commands that are not covered in software control is disclosed by Ishikawa at column 3, lines 66+ and column 8, lines 21 through 30. However, at column 3, lines 66+ and in column 8, lines 21 through 30, Ishikawa is referring to remote reproduction unit 5.

Remote reproduction unit 5 provides a keyboard operation signal and a mouse operation signal to a remote system computer 4. See Figure 1. However, Ishikawa does not disclose or suggest that remote reproduction unit 5 introduces to the remote computer hardware commands. In fact, Ishikawa makes very clear this is not the case.

For example, at column 6, lines 63 through 68, Ishikawa indicates that in preparation on the remote side, the keyboard 41, the mouse 42, and the monitor 43 connected to the computer 4 are disconnected, the remote reproduction unit 5 and the remote transmission unit 6 are connected to the computer 4 instead, and their power switches are turned on. It is very clear that Ishikawa assumes that an operator is available to turn on the power for computer 4. Ishikawa does not

disclose or suggest a processing system this is configured to present hardware commands to a product under test.

### **Independent claim 18**

Independent claim 18 sets out a method for providing remote testing of a product under test. In claim 18, display information from the product under test is obtained using a web camera. The display information describes a current display generated by the product under test. This is not disclosed or suggested by the combination of Ishikawa and Neil.

Examiner has asserted that Neil at column 2, lines 22 through 38 teaches that a web camera used to obtain images is well known in the art. Neil does disclose a web camera. However, Neil teaches away from obtaining display information from a product under test using a web camera, as set out in claim 18.

A prior patent must be considered in its entirety (i.e., as a whole), including portions that would lead away from the invention in issue. *Panduit Corp. v. Dennison Manufacturing Co.*, 810 F.2d 1561, 1 U.S.P.Q.2d 1593 (Fed Cir. 1987). It is impermissible within the framework of 35 U.S.C. § 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 230 U.S.P.Q. 416 (Fed Cir. 1986).

Neil does not disclose or suggest that a web cam is used *to obtain display information from a product*, as set out in claim 18. Instead, Neil teaches the use of a pictorial user interface (PUI) to deliver images to a remote display or other monitor. See column 1, lines 43 through 50. Thus, Neil does not teach receiving display information from a product using a web cam, but rather teaches receiving display information from a product using a pictorial user interface (PUI).

Neil, therefore, when taken as a whole teaches that a pictorial user interface (PUI) (not a web cam) should be used to deliver images to a remote display or other monitor.

Neil, therefore, when considered in its entirety would tend to lead one away from the present invention. Neil does not disclose or suggest obtaining display information from a product under test using a web camera, as set out in claim 18.

#### **Independent claim 19**

Likewise independent claim 19 sets out a system for providing remote testing of a product under test. The system includes a display entity for receiving and displaying intercepted display information. The display information describes a current display generated by the product under test. The display information is obtained using a web camera. This is not disclosed or suggested by the combination of Ishikawa and Neil.

As discussed above, Neil teaches away from obtaining display information using a web camera. Neil does not disclose or suggest use of a web cam to obtain display information from a product. Instead, Neil teaches the use of a pictorial user interface (PUI) to deliver images to a remote display or other monitor. See column 1, lines 43 through 50.

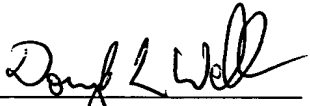
Neil, therefore, when taken as a whole teaches that a pictorial user interface (PUI) (not a web cam) should be used to deliver images to a remote display or other monitor.

Neil, therefore, when considered in its entirety would tend to lead one away from the present invention. Neil does not disclose or suggest obtaining display information from a product under test using a web camera, as set out in claim 19.

### Conclusion

Applicants believes that this Amendment has placed the present case in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

The following amendments have been made to the Specification.

The paragraph beginning on page 8, line 11, has been amended as follows:

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Figure 5 is a simplified block diagram that shows data flow between a customer 51 and a product under test 55 in an alternative embodiment of the present invention. A web page 53 is used by customer 51 to interact with a remote personal computer (PC) 54 that oversees testing of device under test 55. For example, remote PC 54 includes scripts and utilities to carry out testing. Additionally, remote PC 54 is used to allow the manufacturer to control connection (and disconnection) of customer site 51 to product under test 55 (i.e., the switching function performed by switch 45 shown in Figure 4) and to introduce special commands (e.g., "hard reset" and "power on/off") to product under test 55.

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The paragraph beginning on page 10, line 7, has been amended as follows:

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Figure 6 is a simplified block diagram that shows data flow between multiple customers and multiple products under test. The multiple customers are represented by a customer 71, a customer 72 and a customer 73. The multiple products under test are represented by a product under test 77, a product under



test 78 and a product under test 79. Customers 71, 72, and 73 are connected to a remote PC server 74, for example, through network 14. Remote PC server 74 is connected to product under test 77, product under test 78 and product under test 79 as represented respectively by a line 80, a line 81 and a line 82. A database 75 is used, for example, to store an image of a hard drive configuration for each test configuration for each customer. This information can be loaded into individual products under test utilizing a local area network (LAN) 83 connected, for example, to a hub 76. For example, before beginning to perform a test, the customer instructs remote PC server 74 to “clean” the product under test to insure reset to a default state. A hard reset is then performed. This “cleaning” can alternatively be performed at the end of a previous test. Remote PC server 74 then partitions and reformats the hard drive to the requirements of the customer. The customer can then have an image from database 75 loaded into the selected product under test. The image from database 75 can include, for example, the standard manufacturer’s image.

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The following amendments have been made to the Claims.

Claim 13 has been amended as follows:

- 1           13. (Twice Amended) A system for providing remote testing of a
- 2           plurality of products under test comprising:
- 3           a network accessible site for providing from a plurality of remote users
- 4           connected to the network accessible site, input for the products under test; and,

5 a processing system for receiving the first input for one of the plurality of  
6 products under test from the network accessible site and presenting the first  
7 input to the one of the products under test as if the first input came from an  
8 input device directly connected to the one of the products under test, wherein  
9 the processing system is configured to present a hardware command to the one  
10 of the plurality of products under test.

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1 18. (Amended) A method for providing remote testing of a product under  
2 test comprising ~~the following steps:~~

3 (a) ~~providing~~, by a network accessible site from a remote user connected  
4 to the network accessible site, input for the product under test;

5 (b) ~~forwarding~~ the input for the product under test to a process that  
6 presents the input to the product under test as if the input came from an input  
7 device directly connected to the product under test;

8 (c) ~~obtaining~~ display information from the product under test using a  
9 web camera, the display information describing a current display generated by  
10 the product under test; and,

11 (d) ~~displaying~~ the intercepted display information on the network  
12 accessible site.